ZB# 06-10

Neil Schlesinger

57-1-2.7

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Tranted - april 10, 2006

Chiversal

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 57-1-2.7

In the Matter of the Application of

MEMORANDUM OF DECISION GRANTING

NEIL SCHLESINGER

AREA

CASE #(06-10)	
	 x

WHEREAS, Neil Schlesinger, owner(s) of 57-1-2.7 on Station Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 3,770 sq. ft. Minimum Lot Area for single family home on Station Road in an R-1 Zone (57-1-2.7)

WHEREAS, a public hearing was held on APRIL 10, 2006 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

- 1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in <u>The Official Town Newspaper</u>, also as required by law.
- 2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties in an R-1 zone.
 - (b) The applicant proposes to construct a one-family house on the existing parcel for which an area variance is sought.
 - (c) The proposed structure will be configured on the property so that it is in accordance with the town law requirements with respect to setbacks and location.

- (d) In constructing the structure, the applicant will not remove any trees or substantial vegetation.
- (e) In building the structure, the applicant will not build on top of nor will it interfere with any easements or rights-of-way including, but not limited to, water, sewer and electrical easements
- (f) In building the structure the applicant will not create the ponding or collection of water or divert the flow of water drainage.
- (g) The existing property will provide a buffer of trees between it and its neighboring property of approximately twenty feet.
- (h) The boundary lines of the property are marked by stone walls which the applicant proposes to retain.
- (i) The applicant seeks a lot area variance of approximately 5%.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

- 1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
- 2. There is no other feasible method available to the Applicant that can produce the benefits sought.
- 3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
- 4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
- 5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
- 6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
- 7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law

and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance(s).

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for 3,770 sq. ft. Minimum Lot Area for single family home on Station Road in an R-1 Zone (57-1-2.7) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: April 10, 2006

Chairman

TOWN OF NEW WINDSOR

ZONING BOARD OF APPEALS OFFICE 845-563-4615

MEMORANDUM

TO:

LARRY REIS, COMPTROLLER

FROM:

MYRA MASON, SECRETARY TO THE ZONING BOARD

DATE:

MAY 31. 2006

SUBJECT: ESCROW REFUND

PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 165.10 TO CLOSE OUT **ESCROW FOR:**

ZBA FILE #06-10

NAME & ADDRESS:

Neil Schlesinger 420 Station Road Rock Tavern, NY 12575

THANK YOU,

MYRA

OFFICE OF THE BUILDING INSPECTOR TOWN OF NEW WINDSOR ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 2/8/06

APPLICANT: Neil Schlesinger

420 Station Road

Rock Tavern, NY 12575

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 2/8/06

FOR: Neil Schlesinger

LOCATED AT: Station Road

ZONE: R-1 Sec/Blk/ Lot: 57-1-2.7

DESCRIPTION OF EXISTING SITE: Vacant land

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. R-1 zone minimum lot area requires 80,000sqft. The lot in question has 76,230sqft. A variance of 3,770sqft is requested.

PERMITTED

PROPOSED OR AVAILABLE:

VARIANCE REQUEST:

ZONE: R-1

USE: One Family

MIN LOT AREA:

80,000sqft

76,230sqft

3,770sqft

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS ET CALL FOR ALL REQUIRED INSPECTIONS OF CONST. SETION

Other inspections will be made in most cases but those listed below must be made or Cariticale of Occupancy may be withheld. Do not mistake an unacheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1.	When excevating	is complete	and fooling	forms are i	n place (l	before pouring.)

- 2. Foundation inspection. Check here for waterproofing and footing drains.
- 3. Inspect gravel base under concrete floors and underslab plumbing.
- When framing, rough plumbing, rough electric and before being covered.
- 5 Insulation.
- fig. Final inspection for Certificate of Cocupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this lime. Well water test required and engineer's certification letter for septic system required.
- 7. Driveway inapection must meet approval of Town Highway Superintendent. A driveway bond may be required.
- 8. \$50.00 charge for any site that outs for the inspection twice.
- 9. Call 24 hours in advance, with permit number, to schedule inspection.
- 10. There will be no inspections unless yellow permit card is posted.
- 11. Sewer permits must be obtained along with building permits for new houses.
- 12. Soute permit must be submitted with engineer's drawing and pero lost.
- 13. Road opening permits must be obtained from Town Clerk's office,
- 14. All building permits will need a Certificate of Occupancy or a Certificate of Compilance and here is no see for this.

FEB 0 8 2006

FOR OFFICE USE ONLY

Building Permit #1

	leil Schlesinger		
Address -	420 STATION	•	9145821184
Mailing Address	Surve	Fax	
Name of Architect			
Address		Phone	

Address :	Phone
State whether ap	plicant is owner, lessee, agent, erohiteot, engineer or builder <u>DCUNC</u>
If applicant is a oc	iporation, signature of duly authorized officer. (Name and little of corporate officer)
	is property located? On the W side of STATION EE' (N,8,E or W) STATION Rd + 207 Included is a side of STATION Rd + 207
2. Zone or use die	strict in which premises are situated Is property a flood zone? Y N
3. Tax Map Desc	ription: Section 17 Block Lat 2.7
a. Existing use	use and occupancy of pramises and intended use and occupancy of proposed construction. and occupancy <u>Uo con</u> to intended use and occupancy <u>dwelling</u> **EAN** k (check if applicable) [Unew Bidg. [Addition] Alteration] Repair [Removal Demotition] Other
6. Is this a corne	
7. Dimensions o	of entire new construction. Front 60 Rear Depth 40 Height No. of stories
8. If dwelling, no	imber of dwelling units: Number of dwelling units on each floor
Number of be Electric/Hot /	odrooms 2 Baths 2 Tollets Heating Plant: Gas Ot Virginia Hot Water If Garage, number of cars 2
9. If business,	commercial or mixed occupancy, specify nature and extent of each type of use
	ZONING BOARD
10. Estimated co	150,000 For \$50.00
	9292

<u> </u>	APPLICATION FOR BUILDING PE
date	TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK

est, inspectors Frank Lisi & Lo ew Windsor Town Hall	uls Krychear	Bidg inep Examined Fire inep Examined Approved
55 Union Avenue	•	: Disapproved
ew Windsor, New York 12553 145) 563-4616 145) 563-4695 FAX	•	Permit No.
	·	 •

- A. This application must be completely filled in by hypermiter or in link and automitted to the Building inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
 C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of
 - C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the leasurence of a Building Permit.
- E. Upon approval of this application, the Building inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shell be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building inepector for the lestiance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windoor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and cartifies that he has been duly and property affine to the context of property authorized to make this application and to property authorized to make this application and to property.

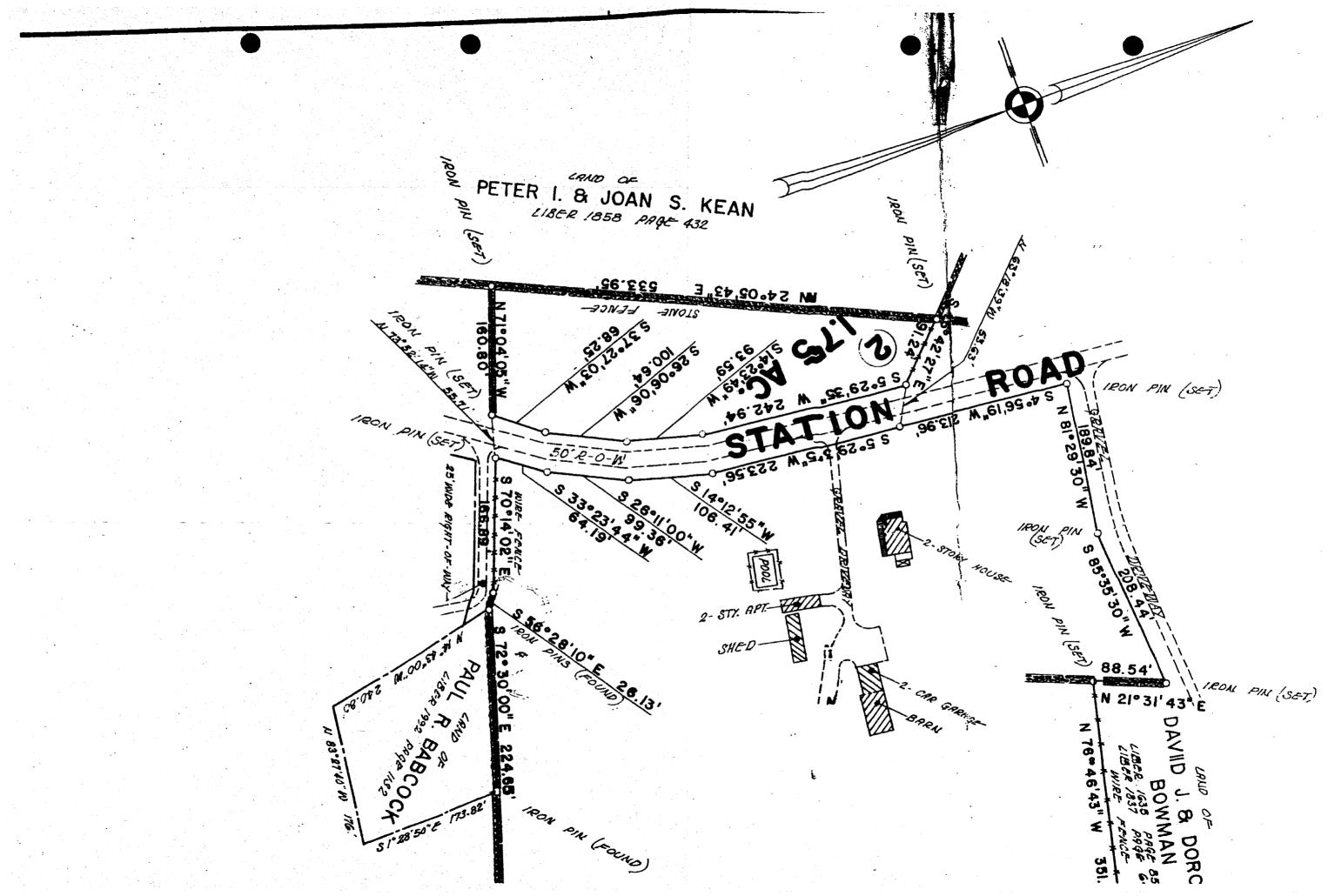
(Signature of Applicant) (Address of Applicant)		Mr.	420	STATTON	RD	Bock Tou	ern
THE Sound	(Signature of Applicant)	An		(Address of A)	opilount)	121	7

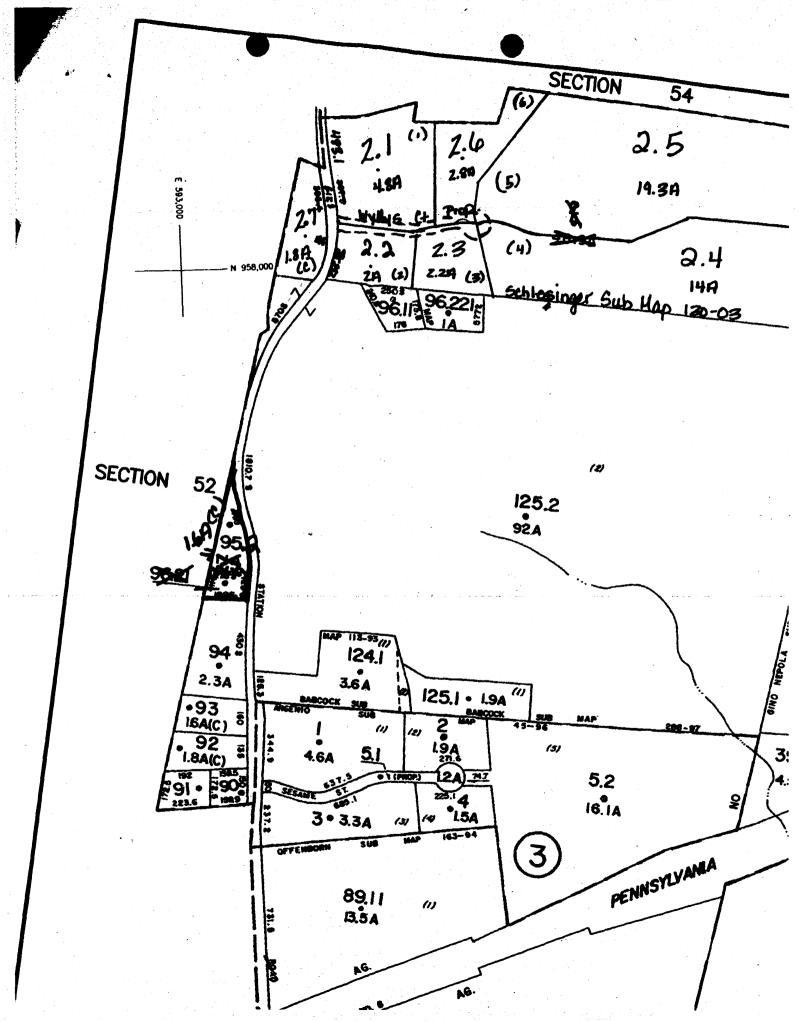
PLOT PLAN

NOTE:

Locate all bulklings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

Lot= 76,230 - 3,770 STATION RO E proposed 160:20 S





TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS OFFICE 845-563-4615

MEMORANDUM

TO:

LARRY REIS, COMPTROLLER

FROM:

MYRA MASON, SECRETARY TO THE ZONING BOARD

DATE:

MAY 31. 2006

SUBJECT: ESCROW REFUND

PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 165.10 TO CLOSE OUT **ESCROW FOR:**

ZBA FILE #06-10

NAME & ADDRESS:

Neil Schlesinger 420 Station Road Rock Tavern, NY 12575

THANK YOU,

MYRA



TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS RECORD OF CHARGES & PAYMENTS



FILE #06-10

TYPE:AREA

TELEPHONE:

582-1184

APPLICANT: Neil Schlesinger

420 Station Road

Rock Tavern, NY 12575

RESIDENTIAL:	\$ 50.00	CHECK # 9303
COMMERCIAL	\$ 150.00	CHECK #
INTERPRETATION	\$ 150.00	CHECK #

ESCROW:

RESIDENTIAL \$300.00

CHECK #9304

MINUTES

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DISBURSEMENTS:			\$ <u>7.00 / PAGE</u>	<u>FEE</u>
PRELIMINARY:	<u>3</u>	PAGES	\$ <u>21.00</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	· · · · · · · · · · · · · · · · · · ·	PAGES	\$	\$
PUBLIC HEARING:	4	PAGES	\$ 28.00	\$35.00
PUBLIC HEARING:	<u> </u>	PAGES	\$	\$
	5.0			

LEGAL AD: Publish Date: 3/24/06

\$<u>15.90</u>

TOTAL:

\$ 64.90

\$ 70.00

ATTORNEY



ESCROW POSTED:

\$ 300.00

LESS: DISBURSEMENTS:

\$ 134.90

AMOUNT DUE:

\$

REFUND DUE:

\$<u>165.10</u>

Cc:

L.R. <u>05-31-06</u>

NEIL SCHLESINGER_(06-10)

Mr. Neil Schlesinger appeared before the board for this proposal.

MS. GANN: Request for 3,770 sq. ft. minimum lot area for single family home on Station Road in an R-1 zone.

MR. SCHLESINGER: Good evening, my name is Neil Schlesinger, I own a piece of property on Station Road, Town of New Windsor and the piece of property is located in the R-1 zone and I'd like to build a house on it. The zoning was changed two years ago, 2 1/2 years ago, required zoning is 80,000 square foot, I'm short 3,770 feet approximately, well, 3,770 feet and that's why I'm before you tonight.

MS. LOCEY: So the lot is just a little bit smaller than what the existing zoning requires?

MR. SCHLESINGER: Yes.

MR. LUNDSTROM: How long have you owned the parcel of land?

MR. SCHLESINGER: Twenty-three years.

MR. LUNDSTROM: This is the first time you're thinking of putting a dwelling on it?

MR. SCHLESINGER: No, we've been thinking about it but just was a little late in making the application before the zoning changed.

MS. GANN: How large will the new home be, Neil?

MR. SCHLESINGER: About 2,200 square feet.

MS. LOCEY: Am I right, Mike, that the lot itself is just somewhat smaller, doesn't have anything to do with

any front yard setbacks?

MR. SCHLESINGER: No, we'll be able to conform with everything with the exception of the 80,000 square foot lot size.

MR. BABCOCK: The lot area in this zone was one acre and it went from one acre to 80,000 square feet which is just under two acres.

MS. GANN: Will there be substantial vegetation being taken down to build the house?

MR. SCHLESINGER: No, everything will be taken care of prior to that.

MR. BABCOCK: Well, I mean, it's not enough to make sure that there's a spot for a house so there's, it's on an area where it's wooded, house, driveway and some lawn, I'm sure.

MS. LOCEY: All other zoning requirements can be achieved?

MR. SCHLESINGER: Absolutely everything will be conforming with the exception of this size of the lot.

MR. LUNDSTROM: So basically when you first bought the lot, the zoning was 1 acre?

MR. SCHLESINGER: That's correct.

MR. LUNDSTROM: This plot plan shows it's 1.75 so it's increased to a little bit under 2, so it's not that much.

MR. SCHLESINGER: That's correct.

MS. GANN: The nome is it similar in size to other homes in the area?

MR. SCHLESINGER: There's new homes in the area that are significantly larger.

MS. GANN: But in your opinion it fits into the--

MR. SCHLESINGER: Absolutely, sure.

MS. GANN: Does it go over any easements that you know of?

MR. SCHLESINGER: None.

MS. GANN: Any other questions? I'll accept a motion.

MS. LOCEY: I will offer a motion to schedule a public hearing on the application of Neil Schlesinger regarding his request for a 3,770 square foot minimum lot area for a single-family home on Station Road in an R-1 zone.

MR. LUNDSTROM: Madam Chairman, I will second that motion.

ROLL CALL

MR. LUNDSTROM AYE
MS. LOCEY AYE
MS. GANN AYE

NEIL SCHLESINGER (06-10)

Mr. Neil Schlesinger appeared before the board for this proposal.

MR. KANE: Request for 3,700 sq. ft. minimum lot area for single family home on station road. Tell us what you want to do, sir.

MR. SCHLESINGER: I have a piece of property that's 76,230 feet, we're in an R-1 zone which requires an 80,000 square foot piece of property for an approved building lot so in essence what we're doing is asking you for a variance of 3,770 feet. And I know that there's people in the audience that have received letters and for their benefit so that they understand exactly we're not trying to build a house on 3,770 square feet, the requirement is 80,000 and we're just short a little bit.

MR. KANE: Right, the proposed dwelling is not going to need any variances for property lines or anything like that?

MR. SCHLESINGER: No.

MR. KANE: All we need to worry about is lot area?

MR. SCHLESINGER: Right.

MS. GANN: How large is the proposed structure going to be?

MR. SCHLESINGER: Total house would probably be 2,500 square feet.

MR. KRIEGER: How does that compare with the houses around it?

MR. SCHLESINGER: Smaller.

MS. LOCEY: You said it will meet all the setback requirements?

MR. SCHLESINGER: Yes, absolutely.

MR. KANE: Creating water hazards or runoffs with the building of the home?

MR. SCHLESINGER: No, on the contrary.

MR. KANE: And cutting down substantial vegetation or trees?

MR. SCHLESINGER: There was trees removed but there's at least 20 foot buffer of trees left on the balance.

MR. KANE: We'll hold it at this point and ask if there's anybody in the audience for this hearing? Nobody's here. Nobody cares. So we'll close the public portion of the hearing and ask Myra how many mailings.

MS. MASON: On March 23, I mailed out 10 envelopes and had no response.

MR. LUNDSTROM: May I ask for an interpretation of this plot plan? Which of the buildings are you proposing on putting up, which ones are there already?

MR. SCHLESINGER: I have a blow-up to make it easier, this is the piece that we're talking about right here.

MR. LUNDSTROM: I was thinking it might have been the bottom portion.

MR. SCHLESINGER: That's why I brought in the blow-up and pretty much speaks for itself, there's stone wall here, stone wall here, this is Station Road, as a matter of fact, we cleared some trees which made the

sight distance for the driving a lot better.

MR. KANE: Neil, can you show them that?

MR. SCHLESINGER: Sure.

MR. LUNDSTROM: You have not yet identified where on the parcel of land you plan on putting the building?

MS. MASON: On the top part.

MR. LUNDSTROM: Okay.

MR. KANE: That's why I asked before there's no variances needed for property lines or anything.

MR. KRIEGER: Those stone walls are existing now on the boundary lines?

MR. SCHLESINGER: Yes.

MR. KANE: Further questions? I'll accept a motion.

MS. LOCEY: I will offer a motion to grant the request of Neil Schlesinger for 3,770 square foot minimum lot area for a single-family home on Station Road in an R-1 zone.

MR. TORPEY: Second the motion.

ROLL CALL

MS. GANN AYE
MR. LUNDSTROM AYE
MS. LOCEY AYE
MR. TORPEY AYE
MR. KANE AYE

MR. KANE: That's about a 5 percent increase for a variance, it's about 5 percent of the total?

MR. SCHLESINGER: Less than that, we're going 7, I'd say closer to 4 but no more than 5.

MR. KANE: I just wanted to get that in the record.

MR. SCHLESINGER: That's correct, yes.



Invoice

Date	Invoice #
4/11/2006	7543

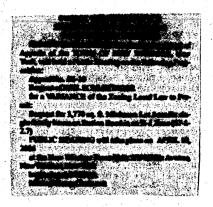
Bill To	
OWN OF NEW WINDSOR	
55 UNION AVE	
IEW WINDSOR, NY 12553	

RECEIVED

APR 2 0 2006

TOWN OF MEW MUNDSON CONSTROLLERS OFFICE

		P.O. No.	Tems	Project
		44336	Due on receipt	,
Issue Date	Description	<u> </u>	PCS/Units	Amount
3/24/2006	LEGAL ADS: APPEAL NO. 06-10 2 AFFIDAVITS		7.90 8.00	7.90 8.00
·				
			·	
	1	· · · · · · · · · · · · · · · · · · ·		
			Total	\$ 15.90



State of New York County of Orange, ss: Lucas Ladlee being duly sworn disposes and says that he is The Supervisor of Legal Dept. of the E.W. Smith Publishing Company; Inc. Publisher of The Sentinel, a weekly newspaper published and of general circulation in the Town of New Windsor, Town of Newburgh and City of Newburgh and that the notice of which the annexed is a true copy was published 1> in said newspaper, commencing on the 24 day of Mar. A.D., 2006 and ending on the 14 day of Mw. Lucas W. Ladlee A.D. 2006 Subscribed and shown to before me day of

Notary Public of the State of New York

County of Orange.

DEBORAH GREEN

Hotary Public, State of New York

Qualified in Orange County
4984056

Commission Expires July 15, 2007

My commission expires_____

2BA # 06-10 application Fee

Town of New Windsor 555 Union Avenue New Windsor, NY 12553 (845) 563-4611

RECEIPT #216-2006

03/17/2006

Schlesinger, Neil

Received \$ 50.00 for Zoning Board Fees, on 03/17/2006. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green Town Clerk



Pown of New Windsor

555 Union Avenue New Windsor, New York 12553 Telephone: (845) 563-4631 Fax: (845) 563-3101

Assessors Office

March 17, 2006

Neil Schlesinger 420 Station Road Rock Tavern, NY 12575

Re:

57-1-2.7

ZBA#: 03-10 (10)

Dear Mr. Schlesinger:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$25.00, paid in full with your deposit of \$25.00.

ld Wiley Kort

Sincerely,

J. Todd Wiley, IAO

Sole Assessor

JTW/tmp Attachments

CC: Myra Mason, Zoning Board

52-1-17 Mark & Teri Johnson 461 Station Road Rock Tavern, NY 12575

54-1-49 Barbara Bellinger 467 Station Road Rock Tavern, NY 12575

57-1-2.3 Carol Ann & Edward Reynolds, Jr. 10 Wyllys Court Rock Tavern, NY 12575

57-1-125.1 Stephen & Carmen Babcock 30 Tall Oaks View Rock Tavern, NY 12575 52-1-18
Peter & Joan Kean
1 Brittany Terrace
Rock Tavern, NY 12575

54-1-52.11 Robert & Maryann Wagner 440 Station Road Rock Tavern, NY 12575

57-1-96.11 Paul & Joann Babcock 11 Babcock Lane Rock Tavern, NY 12575 54-1-46.21 Kenneth Bowman 434 Station Road Rock Tavern, NY 12575

57-1-2.2 Matthew & Katherine Barbero 4 Wyllys Court Rock Tavern, NY 12575

57-1-96.221 Kenneth Babcock 17 Babcock Lane Rock Tavern, NY 12575



	and the second s	
PROJECT: <u>Noil Schlosinger</u> USE VARIANCE: NEED: EAF_	PROXY	ZBA # <u>06-10</u> P.B.#
EAD AGENCY: M)S)VOTE: AN	NEGATIVE DEC:	M)S)VOTE: AN
UNDSTROM OCEY ORPEY CARRIED: YN	LUNDSTROM LOCEY TORPEY KANE	CARRIED: YN
UBLIC HEARING: M)S)VOTE: AN ANN UNDSTROM	APPROVED: M) GANN LUNDSTROM	S) VOTE: A N
OCEY ORPEY ANE CARRIED: Y N	LOCEY TORPEY KANE	CARRIED: YN
LL VARIANCES - PRELIMINARY APPE. CHEDULE PUBLIC HEARING: M)_		VOTE: A N
ANN UNDSTROM OCEY		
ORPEY ANE		•
CAR	RIED: Y	N
UBLIC HEARING: STATEMENT OF		AD INTO MINUTES
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UBLIC HEARING: STATEMENT OF ARIANCE APPROVED: M) Lo S) GANN UNDSTROM OCEY ORPEY	MAILING REA	D INTO MINUTES

AFFIDAVIT OF MAILING

ZONING BOARD OF APPEALS: TOWN OF NEW COUNTY OF ORANGE: STATE OF NEW YORK	WINDSOR
In the Matter of the Application for Variance of	
NEIL SCHLESINGER	
#06-10	AFFIDAVIT OF SERVICE BY MAIL
STATE OF NEW YORK)) SS: COUNTY OF ORANGE)	X
MYRA L. MASON, being duly sworn, deposes at That I am not a party to the action, am over 18 ye Bethlehem Road, New Windsor, NY 12553.	
That on the 23RD day of MARCH, 2006, I contenvelopes containing the Public Hearing Notice pertiner certified list provided by the Assessor's Office regarding a variance and I find that the addresses are identical to the placed the envelopes in a U.S. Depository within the To	nt to this case with the g the above application for the list received. I then

Notary Public (Gallaghu)

Sworn to before me this

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/ 2006

Myra L. Mason, Secretary

PUBLIC HEARING NOTICE

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 06-10

Request of NEIL SCHLESINGER

for a VARIANCE of the Zoning Local Law to Permit:

Request for 3,770 sq. ft. Minimum Lot Area for single family home on Station Road in an R-1 Zone (57-1-2.7)

PUBLIC HEARING will take place on APRIL 10, 2006 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.

Michael Kane, Chairman



Town of New Windsor

555 Union Avenue New Windsor, New York 12553 Telephone: (845) 563-4631 Fax: (845) 563-3101

Assessors Office

March 17, 2006

Neil Schlesinger 420 Station Road Rock Tavern, NY 12575

Re:

57-1-2.7

ZBA#: 03-10 (10)

Dear Mr. Schlesinger:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$25.00, paid in full with your deposit of \$25.00.

Wilax A

Sincerely,

J. Todd Wiley, IAO Sole Assessor

JTW/tmp Attachments

CC: Myra Mason, Zoning Board



Town of New Windsor

555 Union Avenue New Windsor, New York 12553 Telephone: (845) 563-4615 Fax: (845) 563-4689

ZONING BOARD OF APPEALS

March 23, 2006

Neil Schlesinger 420 Station Road Rock Tavern, NY 12575

SUBJECT: REQUEST FOR VARIANCE #06-10

Dear Neil:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. PLEASE NOTE: The charge for publication in the Sentinel will be deducted from your escrow that was posted with your application papers.

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

Station Road Rock Tavern, NY

is scheduled for the April 10th, 2006 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary Zoning Board of Appeals

MLM:mlm

TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 03-13-06

FOR: **ESCROW 03-10**

FROM:

CHECK FROM:

Neil Schlesinger 420 Station Road

Rock Tavern, NY 12575

SAME

CHECK NUMBER: 9304

TELEPHONE: 914 582-1184

AMOUNT:

300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

AME DA

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING
THANK YOU



RESULTS OF Z.B.A. MEETING OF:	March 13 3006
PROJECT: Neil Ichleringer	ZBA# 06-10
USE VARIANCE: NEED: EAF	P.B.#PROXY
LEAD AGENCY: M)S)VOTE: AN	NEGATIVE DEC: M)S)VOTE: AN
GANN LUNDSTROM LOCEY TORPEY KANE CARRIED: YN	GANN LUNDSTROM LOCEY TORPEY KANE CARRIED: YN
PUBLIC HEARING: M)S)VOTE: AN GANN LUNDSTROM LOCEY TORPEY KANECARRIED: YN	APPROVED: M)S) VOTE: A N GANN LUNDSTROM LOCEY TORPEY KANE CARRIED: YN
ALL VARIANCES - PRELIMINARY APPEA SCHEDULE PUBLIC HEARING: M)	ARANCE: O S) LU VOTE: A 3 N O
GANN LUNDSTROM LOCEY TORPEY CARI	RIED: YN
	MAILING READ INTO MINUTES VOTE: A N
GANN LUNDSTROM LOCEY	
TORPEY KANE CAR	RRIED: YN

TOWN OF NEW WINDSOR REQUEST FOR NOTIFICATION LIST

DATE: <u>03-13-06</u>	PROJECT NUMBER: ZBA# <u>03-10</u> P.B. #
APPLICANT NAME: NEIL	SCHLESINGER
PERSON TO NOTIFY TO P	CK UP LIST:
Neil Schlesinger 420 Station Road Rock Tavern, NY 12575	
TELEPHONE: 914-58	<u>2-1184</u>
TAX MAP NUMBER:	SEC. 57 BLOCK 1 LOT 2.7 SEC. BLOCK LOT LOT SEC. B LOCK LOT
PROPERTY LOCATION:	420 STATION ROAD ROCK TAVERN, NY
THIS LIST IS BEING REQU	ESTED BY:
NEW WINDSOR PLANNIN	G BOARD:
SITE PLAN OR SUBDIVISI	ON: (ABUTTING AND ACROSS ANY STREET
SPECIAL PERMIT ONLY:	(ANYONE WITHIN 500 FEET)
AGRICULTURAL DISTRIC (ANYONE WITHIN THE AC OF SITE PLAN OR SUBDIV	G DISTRICT WHICH IS WITHIN 500'
NEW WINDSOR ZONING	BOARD XXX
LIST WILL CONSIST OF A	LL PROPERTY WITHIN 500 FEET OF PROJECT XXX
AMOUNT OF DEPOSIT:	25.00 CHECK NUMBER: 9305
TOTAL CHARGES:	



TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS



APPLICATION FOR VARIANCE

3	Sign Variance Interpretation Phone Number: (94)
(Address) Applicant: (Name) (Address) Forwarding Address, if any, for return of escrow: (Name) (Address) (Address) Contractor/Engineer/Architect/Surveyor/:	Phone Number: () Fax Number: () Phone Number: () Fax Number: () Phone Number: ()
Applicant: (Name) (Address) Forwarding Address, if any, for return of escrow: (Name) (Address) (Address) Contractor/Engineer/Architect/Surveyor/:	Phone Number: () Fax Number: () Phone Number: () Fax Number: () Phone Number: ()
(Name) (Address) Forwarding Address, if any, for return of escrow: (Name) (Address) (Address) Contractor/Engineer/Architect/Surveyor/:	Fax Number: () Phone Number: () Fax Number: () Phone Number ()
(Name) (Address) Forwarding Address, if any, for return of escrow: (Name) (Address) (Address) Contractor/Engineer/Architect/Surveyor/:	Fax Number: () Phone Number: () Fax Number: () Phone Number ()
(Name) (Address) Contractor/Engineer/Architect/Surveyor/:	Fax Number: () Phone Number ()
(Name) Samul (Address) Contractor/Engineer/Architect/Surveyor/:	Fax Number: () Phone Number ()
(Address) Contractor/Engineer/Architect/Surveyor/:	Phone Number ()
Contractor/Engineer/Architect/Surveyor/:	
(Name)	
(Address)	
Property Information:	
Zone: Property Address in Question:	Uso State a RO
Lot Size: Tax Map Number: Sect	tion 7- Block Lot 2.
a. What other zones lie within 500 feet?	
b. Is pending sale or lease subject to ZBA approvalc. When was property purchased by present owner?	""A 24
d. Has property been subdivided previously?	[] If so, When:
e. Has an Order to Remedy Violation been issued ag	gainst the property by the
Building/Zoning/Fire Inspector?	w is any proposed?
f. Is there any outside storage at the property now of	or is any proposed?

TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	Requirements	Proposed or Available	Variance Request
Min. Lot Area	2 Acre	1.7 There	(125 Acre) 3,770 Seft
Min. Lot Width			3,770 Spft
Reqd. Front Yd.			V
Reqd. Side Yd.	·		
Reqd. Rear Yd.			
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration	**		
Parking Area			

^{*}Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

^{**}Non-Residential Districts Only

TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE - continued

IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

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PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

	(a)	neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
XIII.	ATTA	CHMENTS REQUIRED:
		Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy. Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
		Copies of signs with dimensions and location.
		Three checks: (each payable to the TOWN OF NEW WINDSOR)
		One in the amount of \$ 300.00 or 500.00 (escrow)
		One in the amount of \$\
	L	One in the amount of \$ 25.00 (Public Hearing List Deposit)
		Photographs of area that variances is being requested for showing relationship to property lines (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)
		DAVIT. EW YORK)
COUN	TY OF) SS.: ORANGE)
this app applicar condition	lication a it further ns or situ	applicant, being duly sworn, deposes and states that the information, statements and representations contained in the true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the lation presented herein are materially changed.
28	<u>.</u>	Owner's Signature (Notarized)
	1 M	JENNIFER MEAD Notary Public, State Of (Num Helps Print) No. 01ME6050024 Qualified In Orange County Commission Expires 10/30/1504
DIEA	Signatur SE NO	Applicant's Signature (If not Owner)
		CATION, IF NOT FINALIZED, EXPIRES <u>ONE YEAR</u> FROM THE DATE OF
	ITTAL	



TOWN OF NEW WINDSOR

555 UNION AVENUE NEW WINDSOR, NY 12553 (845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION(LOOK FOR HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

S FOLLOWS:	
RESIDENTIAL: (Three Separate Checks Please)	
APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
**DEPOSIT FOR PUBLIC HEARING LIST:	\$ 25.00
MULTI-FAMILY: (Three Separate Checks Please)	
APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00
COMMERCIAL: (Three Separate Checks Please)	
APPLICATION FEE:	\$ 150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00
INTERPRETATION: (Three Separate Checks Please)	
APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
**DEPOSIT FOR PUBLIC HEARING LIST:	\$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT <u>AVAILABLE</u> AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST MEETING.

<u>ESCROW</u>

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.



LIST OF PROPERTY OWNERS WITHIN 500 FT. RADIUS OF PROPERTY IN QUESTION:

APPROXIMATE COST FOR PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115 00

ANYTHING OVER 100 NAMES IS \$1.00 EA. ADDITIONAL NAME

06-00

PUBLIC HEARING LIST OF PROPERTY OWNERS

- 1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. (NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY)

 MEETING. Please do not call the Assessor's Office looking for your list—they will contact you when it is ready or if necessary, call Myra at 845—563-4615.
- 2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
- 3. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.39 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.